REMARKS

Claims 2-6 and 9-13 are pending. The non-elected claims have been cancelled. Independent Claim 2 has been amended to call for a carrier "consisting essentially of" the berry pulp. This is different from the cited prior art.

The Specification was objected to in regard to AMBERLITE XAD which is identified on pages 3, 7, 8 and 11 and capitalized. Applicant has checked the Specification and found that the trademark AMBERLITE XAD is properly capitalized and identified. Reconsideration is requested.

Claims 9-10 and 12-13 were objected to and the informalities have been corrected. Reconsideration is requested.

Claim 2 was objected to in regard to "the edible berries". Claim 2 and the dependent claims have been corrected to call for an "edible berry". Reconsideration is requested.

Claims 6, 9, 10, 12 and 13 have been corrected to recite "the edible berry in step 2(a)". Reconsideration is requested.

Claims 2, 3, 5-10 and 12-13 were rejected under 35 USC 103(a) as being unpatentable over Langston (U.S. Patent No. 4,500,556) in view of Mozaffar et al. (U.S. Patent No. 5,817,354 A) and in view of Owades (U.S. Patent No. 4,233,334). The standard of patentability has been objected in *KSR International Co. v. Teleflex Inc.* 82 USPQ2d, Vol. 82, No. 6, pages 1385-1400, decided April 30, 2007, wherein the Supreme Court clearly defines the basis for rejections under 35 USC 103(a) and clearly does not allow hindsight in making the rejection.

Langston describes the use of an aqueous extraction solvent containing HSO_3 ions for treating grape pomace to form an anthocyanin (HSO_3) complex. The absorbent for the complex retains the HSO_3 ions. This is a completely different process than Applicant's process which does not use a chemical treatment of the anthocyanins. Mozaffar et al. relates to a process for absorbing bitterness compounds in citrus juices which are not "edible berries". This is much different than the claimed process in that the bitterness is an unwanted compound which is absorbed. Owades describes

a process wherein cellulose pulp is beaten to provide a carrier. This reference has nothing to do with the claimed invention. Thus, the combination of references could not possibly produce the claimed invention from this combination of references without using hindsight. Reconsideration is requested.

Claims 2, 3 and 5-13 were rejected under 35 USC 103(a) as being unpatentable over Langston (U.S. Patent No. 4,500,556) in view of Mozaffar et al. (U.S. Patent No. 5,817,354 A) in view of Owades (U.S. Patent No. 4,233,334) and in view of Woznicki et al. (U.S. Patent No. 4,336,244 A). The previous discussion is incorporated herein. Woznicki et al. describes a coating which is a water insoluble natural dye and cellulose. There is no such coating in Applicant's compositions. Thus, the combination of references could not produce the claimed invention. Reconsideration is requested.

Claims 2-13 were rejected under 35 USC 103(a) as being unpatentable over Langston (U.S. Patent No. 4,500,556) in view of Mozaffar et al. (U.S. Patent No. 5,817,354 A) in view of Owades (U.S. Patent No.

4,233,334) in view of Woznicki et al. (U.S. Patent No. 4,336,244 A) and in view of Leo et al. (U.S. Patent No. 2,749,243). Claim 4 relates to quick freezing. This is merely a preferred embodiment. It is important that the anthocyanins be preserved. The method of making the food product is completely different from Applicant's invention. Reconsideration is requested.

Claims 2-6 and 9-13 were rejected on double patenting over Claims 1-28 of U.S. Patent No. 6,423,365. Enclosed is the required Terminal Disclaimer.

It is now believed that Claims 2-6 and 9-13 are in condition for allowance. Notice of Allowance is requested.

Respectfully,

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Enclosure: Terminal Disclaimer